

Serial No.: 10/576,832  
Office Action Dated: September 14, 2009

PD030110  
Customer No. 24498

Remarks

The specification has been amended to change the title as suggested by the Examiner.

Claims 11, 14, 16 – 20 are pending. Claims 12, 13, and 15 have been cancelled. Claims 11, 14, 16 – 20 have been amended to more clearly and distinctly claim the subject matter that Applicants regard as their invention. Support for the amended claims can be found in the specification at paragraphs [0011] and [0022]. No new matter is believed to be added by the present amendment.

Claims 11 – 15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention,

Applicant has amended the preamble of claim 11 to recite “a computer-readable medium” and amended the preamble of dependent claim 14 accordingly. The amended claims more clearly and distinctly claim the subject matter of the invention.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted “prior art” and U.S. Patent No. 7,227,824 to Kuroda (“Kuroda”).

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted “prior art” and Kuroda. Applicants respectfully traverse this rejection for at least the following reasons.

Kuroda pertains to a method for correcting a program that runs on a playback (i.e., reproducing) device. The system of Kuroda is concerned with correcting the program and as such has an immediate need to replace the program as quickly as possible (col. 1, lines 61 – 67: “*It is, therefore, an object of the invention to provide an information reproducing apparatus, a method of correcting a reproducing*

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*program, and an information recording medium which upon occurrence of trouble in the reproducing program quickly and properly... " (emphasis added).*

For this reason, the system of Kuroda installs the corrected program as soon as possible and even blocks all other processes from operating so that the installation can occur quickly and without interruption. For example, during the installation, various operations are prohibited, such as turning off the device or "giving user commands" (see col. 8, lines 32 – 35: "*The prohibition of various operations in step S25 is to prevent abnormality from occurring during the reading and recording of the correction data in step S26*").

By contrast, the claimed invention pertains to firmware updates that are updated upon the permission of the user. The firmware updates can include new features and are not necessarily bug fixes that require immediate installation. As such, the firmware updates do not have to be installed immediately and can be installed at another time more convenient to the user (see [0022]: "*The playback device may also optionally ask for user confirmation before performing an update... "; "The firmware may be updated immediately, before presenting the AV contents of the disc, or the update data may be temporarily stored in order to perform an update afterwards.*"

Amended claim 11, recites the following:

*A computer-readable medium, comprising:  
audio-visual presentation data to be read by a playback device;  
firmware update data being structured into a plurality of files,  
wherein each file corresponds to a different particular type of  
playback device and carries a respective indication;  
wherein the firmware update data is stored in the playback device  
and is updated upon receiving a user input permitting the update; and  
wherein the firmware update data is updated at a point in time  
later than when the playback device receives the firmware update  
data.*

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Amended claim 11 recites the feature of "*wherein the firmware update data is stored in the playback device and is updated upon receiving a user input permitting the update.*" In the system of Kuroda, the CPU initiates the installation of the correction program without any user intervention. In fact, various operations are prohibited during the installation including user commands. Accordingly, this feature is not recited, taught, or suggested in Kuroda.

Amended claim 11 recites the feature of "*wherein the firmware update data is updated at a point in time later than when the playback device receives the firmware update data.*" Kuroda does not recite this feature. Kuroda initiates the installation immediately since it is a correction program aimed at correcting "trouble" with the operation of the device. Accordingly, this feature is not recited, taught, or suggested in Kuroda.

Applicants submit that for at least the reasons discussed above the suggested combination of prior art references fails to disclose or suggest each and every feature recited in the independent claim and the claims that depend therefrom, are patentably distinguishable over any combination of the admitted prior art and Kuroda.

Claims 13, 16 – 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted "prior art" and Kuroda, further in view of U.S Patent Document 2001/0044933 to Tagiri ("Tagiri").

Claims 13, 16 – 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted "prior art" and Kuroda, further in view of Tagiri.

Applicants respectfully traverse this rejection since Tagiri is unable to remedy the

deficiencies of Kuroda explained above in conjunction with amended claim 11.

Independent claims 16 and 20 and the claims that depend on them recite the above-referenced features and are believed to be patentably distinguishable over Kuroda for the same reasons as discussed with respect to amended claim 11. Accordingly, withdrawal of the rejection is respectfully requested.

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Conclusion

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Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

It is believed that there are no additional fees due with regard to the filing of this response. However if there is an additional fee due, please charge the fee, or credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,  
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